

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In Re: Lewis E. Wilkerson, Jr.,  
Debtor.

Case No. 20-34576-KLP  
Chapter 11 v

**ORDER AUTHORIZING SALE OF REAL PROPERTY**

Lewis E. Wilkerson, Jr., the debtor and debtor-in-possession in the above-captioned case (“Debtor”), by counsel, appeared before the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (“Bankruptcy Court”), in connection with the Motion of the Debtor for an Order pursuant to Bankruptcy Code 363 and Bankruptcy Rules 6003, 6004, and 9014 authorizing the Debtor to sell property of his estate.

It appearing to the Bankruptcy Court, and the Bankruptcy Court find, that:

1. The Debtor filed his Motion to Sell (the “Motion”) with the Bankruptcy Court on December 16, 2020 seeking Bankruptcy Court approval to sell the Property located in Charlotte County, Virginia with closing to take place as soon as may be practicable to the Commonwealth of Virginia.
2. No objections have been filed to the Motion.
3. After any accrued real estate taxes and related closing costs have been paid, the net proceeds will be paid to Home Loan Investment Bank, extinguishing Home Loan Investment Bank’s lien against the Property being sold.
4. The Court further determining that it would be in the best interest of the creditors and parties in interest in this case to allow this sale to take place, and for these reasons and other good cause shown, it is hereby

**ORDERED, ADJUDGED, and DECREED that:**

1. The Motion is GRANTED subject to the terms and conditions set forth herein.

The Debtor is authorized to sell and convey the Property located in Charlotte County, Virginia, more particularly described as:

**Tax Map No. 40-A-89-B**

All that certain lot or parcel of land situated in Walton Magisterial District, Charlotte County, Virginia, containing 1.40 acres and more particularly set forth on a plat of survey made by Ralph P. Hines, C.L.S., dated August 28, 1978, and revised August 29, 1979, a copy of which is recorded in the Clerk’s Office of the Circuit Court of Charlotte County, Virginia, which said plat is recorded in Plat Book No. 4 at Page 75. Said Parcel of land

adjoins State Rt. 652, other lands of Continental Forest Industries and the property heretofore owned by Emily G. Clemmer. Said property is more particularly described by metes and bounds as follows:

Beginning at a point on State Rt. 652 corner with other property of continental Forest Industries; thence leaving said State Rt. 652 N 45 degrees 00" E 118.4 feet to a point; thence N 38 degrees 55' W 812.29 feet, to an iron; thence N 59 degrees 24' W 50.43 feet to a point; thence 59 degrees 24' W 29.11 feet to a point in State Rt. 652; thence along State Rt. 652 S 24 degrees 55' E. 80.16 feet to a point; thence on an arc 14 degrees 11' 112.98 feet to a point; thence S 39 degrees 6' E 262.39 feet to a point; thence S 30 degrees 17' E 219 feet to the point of beginning.

**Tax Map No. 40-A-89D**

All that certain piece or parcel of real estate, with all improvements thereon and appurtenances thereunto belonging, lying, and being in Walton Magisterial District, Charlotte County, Virginia, fronting on State Route 652, containing 2.41 acres, as shown on a plat of survey made by William W. Dickerson, Jr., L.S. bearing date of the 24<sup>th</sup> day of July, 1992, which is recorded in the Clerk's Office, Circuit Court, Charlotte County, Virginia, in Deed Book 265, Page 235.

**Tax Map No. 40-A-89**

All that certain tract or parcel of land containing 31 acres, more or less, located in the Walton Magisterial District, Charlotte County, Virginia, and more particularly described as Parcel B and D on the plat of survey made by Ralph H. Hines, C.L.S., dated August 28, 1978, and revised August 31, 1978, a copy of which survey is duly recorded in the Clerk's Office of the Circuit Court of Charlotte County, Virginia, in Deed Book 184, Page 80, Save and except 3.55 acres conveyed to the Continental Group, Inc. by deed of exchange from Emily G. Clemmer.

**Tax Map No. 40-A-89A**

All that certain tract or parcel of land situate in the Walton Magisterial District, Charlotte County, Virginia, consisting of 20 acres, more or less, as shown as Tract A on a plat by Ralph R. Hines, C.L.S., dated August 28, 1978, revised August 31, 1978, which said plat is recorded in Plat Book No. 4 at page 75 and for a more specific description according to said plat it is described as follows: Beginning at a point on the northeast side of State Route 652 at the corner of C.R. Wilmouth, said corner is 0.3 of a mile to Route No. 652; thence leaving the edge of State Route 652 and the West corner or N 75 degrees 29' E for 167.74 feet to an iron; thence N 69 degrees 57' E for 189.64 feet to an iron; thence N still along Wilmouth's line 66 degrees 27' E for 200.91 feet to an iron; thence N 67 degrees 27' E for 314.69 feet to an iron at the northwest corner of said property; thence S 57 degrees 40' E for 844.78 feet and being a new line to an iron; thence S 18 degrees 18' W for 318.96 feet along the line of Tract 2 to an iron; thence S 74 degrees 08' W for 124.89 feet to an iron; thence S 38 degrees 37' W for 378.60 feet to a point on the line with Cont. Can Co.; thence N 59 degrees 24' W for 29.11 feet to iron on the North edge of State Route No. 652; thence N 24 degrees 55' W along edge of said Route for 18.62 feet to an iron; thence continuing northwest along the edge of the right-of-way as shown on the plat of ARC = 26.32' R = 157.07' = 09 36' 00" to a point on the edge of said right-of-way; thence N 34 degrees 31' W for 72.21 along Route 652 to a point; thence continuing along Rt. 652 ARC = 112.68' R = -112.68' R = 102.64' = 62 54' 00" to a point; thence S 82 degrees 35' W for 67.70 feet to a point on the edge of Route 652; thence N 59 degrees 24'

W for 712.58 feet to a point on the edge of State Route No. 652; thence continuing northwest along right-of-way or N 25 degrees 05' W for 111.69 feet to a point on the edge of right-of-way; thence ARC = 16.88' R = 55.58' = 17 degrees 24' 00" to a point; thence N 42 degrees 29' W for 66.32 feet to a point on the edge of right-of-way, thence ARC = 16.88' R = 55.58' = 17 degrees 24' 00" to a point; thence N 42 degrees 29' W for 66.32 feet to a point on the edge of State Route 652; thence ARC 40.45' R = 393.89' = 05 degrees 53' 00" to a point of the edge of the roadway; thence N 48 degrees 22' W for 93.05 feet to a point on the edge of said right-of-way; thence continuing along right-of-way ARC 15.08' R = 317.54 = 02 degrees 43' 18" to a point on the northeast edge of the said right-of-way, the place and point of beginning.

**Parcels XVI through XX** Being the same real estate conveyed to Lewis E. Wilkerson, Jr., by deed from Prince Edward Investors, LLC, a Virginia limited liability company, dated December 27, plat of subdivision of Burnette Estate, drawn by W.S. Walker, CLS dated October 30, and November 3, 1961, Clerk's Office, Circuit Court, Charlotte County, Virginia, in Plat Book 3, Page 13

Being a portion of the same real estate conveyed to Lewis E. Wilkerson, Jr., by deed from Robert D. Barkalow and Shannon P. Kelley Barkalow, husband and wife, dated July 26, 2006, recorded August 1, 2006, Clerk's Office, Circuit Court, Charlotte County, Virginia, in Deed Book 370, Page 469.

2. Closing on the sale of the Property shall occur as soon as possible upon entry of this order.
3. The sale of the Property shall be free and clear of all liens, claims, encumbrances and interest with such liens, claims, and encumbrances attaching to the proceeds of the sale.
4. Upon consummation of the sale, all persons holding any lien, claim, interest or encumbrance against or in the Debtor of any kind or nature whatsoever, are forever barred, estopped, and permanently enjoined from asserting, prosecuting or otherwise pursuing such lien, claim, interest, or encumbrance against Purchasers or the Property.
5. The Debtor is authorized to execute all necessary documents and instruments to complete the sale of the Property.
6. If any person or entity that has filed financing statements, lis pendens, or other documents evidencing a lien, claim, interest or encumbrance in or against the Property shall not have delivered prior to the closing date of the sale, in proper form for filing and executed by the appropriate parties, termination statements, instruments of satisfaction, or releases of all such liens, claims, interests or encumbrances, the filing or recording of a certified copy of this

Order shall constitute conclusive evidence of the release of all liens, claims, interests or encumbrances in the Property.

7. Purchasers are good faith purchasers and are entitled to all of the full protections of Section 363(m) of the Bankruptcy Code; accordingly, the reversal or modification on appeal of the authorization provided herein shall not affect the validity of the sale to Buyer, unless such sale is duly stayed prior to the closing.
8. The notice period under Bankruptcy Rule 2002(a) is reduced and the Court finds that notice of the Motion was sufficient notice.
9. The ten (10) day waiting period imposed by Federal Rule 6004(h) is waived and the Debtor may proceed with the sale of the Property immediately upon entry of this Order.
10. The Court finds and determines that the requirements of Bankruptcy Rule 6003 are satisfied and the relief requested is necessary to avoid immediate and irreparable harm.
11. This court shall retain jurisdiction of the transaction contemplated by the REPC and shall resolve any disputes arising therefrom.

Entered: Jan 7/2021 /

/s/ Keith L Phillips

Bankruptcy Judge

I ask for this:

Entered On Docket: Jan 8 2021

/s/ Robert A. Canfield  
Robert A. Canfield, VSB 16901  
Canfield Wells, LLP  
4124 E. Parham Road  
Richmond, VA 23228  
Phone: (804) 673-6600  
Facsimile: (804) 673-6604  
Counsel for Debtor

Seen and not objected to:

/s/ Kathryn R. Montgomery (permission via E-mail dated 1.4.21)  
Kathryn R. Montgomery, Assistant United States Trustee  
Shannon F. Pecoraro, VSB No. 46864  
Office of the US Trustee  
701 E. Broad Street, Ste. 4304  
Richmond, VA 23219

/s/ Peter J. Barrett (permission via E-mail dated 1.4.21)

Peter J. Barrett, Subchapter V Trustee  
Kutak Rock LLP  
901 East Byrd Street, Suite 1000  
Richmond, VA 23219

**CERTIFICATE OF ENDORSEMENT**

I hereby certify that the foregoing proposed Order has been endorsed by or on behalf of all necessary parties.

/s/ Robert A. Canfield

Robert A. Canfield

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was sent either electronically or by first class mail, postage pre-paid to all necessary parties on January 6, 2021:

See Attached Sheet

/s/ Robert A. Canfield

Robert A. Canfield

Ally Financial  
P.O. Box 380902  
Minneapolis, MN 55438  
American Express  
PO Box 650448  
Dallas, TX 75265  
Apple Advance Corp  
550 Fairway Dr, Ste 103B  
Deerfield Beach, FL 33441  
Arc3 Gases  
PO Box 26269  
Richmond, VA 23260  
ARM Solutions, Inc  
PO Box 2929  
Camarillo, CA 93011  
Bank of America  
PO Box 982238  
El Paso, TX 79998

Bank of Charlotte County  
PO Box 336  
Phenix, VA 23959  
Bank of Charlotte County  
PO Box 2711

Omaha, NE 68103-2711  
Bank of the West  
PO Box 2078  
Omaha, NE 68103-2078  
Barclay's Juniper MC  
PO Box 13337  
Philadelphia, PA 19101-0000  
BMO Transportation Finance  
BMO Harris Bank NA  
PO Box 71951  
Chicago, IL 60694-1951

Can Capital, Inc.  
WebBank c/o Can Capital  
2015 Vaughan Rd, NW, Bldg 500  
Kennesaw, GA 30144  
Capital One  
PO Box 71083  
Charlotte, NC 28272  
Carter Machinery Co, Inc.  
PO Box 751053

Charlotte, NC 28275-1053  
CAT Commercial Revolving Card  
Dept. 33-8025507039  
PO Box 78004  
Phoenix, AZ 85062  
Caterpillar Financial SvcsCorp  
PO Box 730669  
Dallas, TX 75373  
CFS Group  
PO Box 580203  
Charlotte, NC 28258-0203  
Citizens Bank N.A.  
One Citizens Bank Way  
JCA115  
Johnston, Rhode Island 02919  
Citizens Bank NA  
PO Box 255587  
Sacramento, CA 95865

2900 Deepwater Terminal  
Richmond, VA 23234  
Cumberland State Forest  
State Forester of Va  
751 Oak Hill Road  
Cumberland, VA 23040  
Daimler Truck Financial  
14372 Heritage Parkway  
Fort Worth, TX 76177  
David J. & Pat Smith  
56 Wexford Club Drive  
Hilton Head Island, SC 29928  
Dawn H. Wilkerson  
390 Maple Road  
Keysville, VA 23947  
De Lage Landen Financial Svcs  
PO Box 41602  
Philadelphia, PA 19101

Essex Bank  
9954 Mayland Drive, Ste 2100  
Henrico, VA 23233

8200 NW 52<sup>nd</sup> Terrace, 2<sup>nd</sup> Fl.  
Doral, FL 33166  
Farmers Bank of Appomattox  
PO Box 216  
Appomattox, VA 24522  
Flaminia Investments, LLC  
2610 Business Drive  
Cumming, GA 30028

Flaminia Investments, LLC  
c/o Smart, Day, & Gilman  
1047 Vista Park Dr, Ste D  
Forest, VA 24551  
FNB Equipment  
1853 Highway 315  
Pittston, PA 18640  
Fred C. & Jane E. Howell  
104 Clopton Court  
Lynchburg, VA 24503  
GM Financial  
PO Box 183593  
Arlington, TX 76096  
Hancock Natural Resource Group  
197 Clarendon St C-08-99  
Boston, MA 02116

Home Loan Investment Bank  
1 Home Loan Plaza  
Warwick, RI 02886  
Home Loan Investment Bank, FSB  
c/o Samuel I. White, PC  
596 Lynnhaven Parkway, Ste 200  
Virginia Beach, VA 23452  
Internal Revenue Service  
P.O.Box 7346  
Philadelphia, PA 19101  
IPFS Corporation  
PO Box 412086  
Kansas City, MO 64141  
Knight Capital Funding  
9 E. Loockerman St, #202-543  
Dover, DE 19901  
Paccar Financial  
240 Gibraltar Rd, Ste 200  
Horsham, PA 19044-2361  
Parker Fuel Freedom  
PO Box 142  
South Hill, VA 23970  
Parker Oil & Propane  
617 S. Main St  
Chase City, VA 23924

Parker Oil & Propane  
2000 W. Third St  
Farmville, VA 23901  
Robert E. Dixon  
c/o FlorenceGordanBrown, P.C.

901 East Cart Street  
Richmond, VA 23219  
SelectPortfolio Servicing, Inc  
PO Box 65450  
Salt Lake City, UT 84165  
SonaBank  
P.O. Box 2075  
Ashland, VA 23005  
Sonabank Commerc Bnking  
PO Box 2075  
Ashland, VA 23005  
Spartan Capital Funding, LLC  
104 E. 25th St, 10th Floor  
New York, NY 10010  
SwiftFinancial,LLC/Loanbuilder  
a PayPal service  
3505 Silverside Road  
Wilmington, DE 19810  
The Bank of Charlotte County  
PO Box 336  
Phenix, VA 23959  
The Carrington Co., LLC  
203 Archway Court  
Lynchburg, VA 24502

Timbervest Partners III VA  
c/o Thompson McMullan, P.C.  
100 Shockoe Slip. Third Floor  
Richmond, VA 23219  
Truck Enterprises, Inc.  
3440 S. Main Street  
Harrisonburg, VA 22801  
U.S. Trustee's Office  
701 E. Broad Street  
Suite 4000  
Richmond, VA 23219  
Union Funding Source  
780 Long Beach Blvd  
Long Beach, NY 11561  
Unique Funding Solutions  
71 S. Central Avenue  
Valley Stream, NY 11580  
Universal Platinum Fleet Progr  
PO Box 1239  
Covington, LA 70434  
Verizon  
PO Box 16801  
Newark, NJ 07101  
Verizon Connect Fleetmatics  
1100 Winter Street  
Suite 4600  
Waltham, MA 02451  
Wells Fargo  
PO Box 77053

Minneapolis, MN 55480  
WST Products LLC  
PO Box 270

Keysville, VA 23947